
Summary of Survey Findings

Privacy, Technology and Criminal Justice Information

Public Attitudes toward Uses of Criminal History Information

Opinion Research Corporation International

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EXECUTIVE SUMMARY

OVERVIEW

There is substantial public (i.e., adult) support for making certain types of criminal justice records available outside the criminal justice system when there is a perceived rationale of public benefit and/or safety. Support declines noticeably when the goal is purely private. In general, American adults tend to favor making individual conviction records available to employers, governmental licensing agencies and other entities. They are far more reluctant, however, to support access to arrest only (or arrest without conviction) records.

GENERAL PRIVACY ISSUES

◆ Turning first to underlying attitudes toward privacy, the results indicate that the misuse of personal information is a major concern. Nearly all (90%) of adult Americans are concerned about the possible misuse of personal information, with 64% expressing a high level of concern (“very concerned”) and 25% saying they are “somewhat” or moderately concerned. Ten percent express either little or no concern about possible misuse of personal information.

◆ When asked if they have ever been a victim of an improper invasion of privacy by specific types of organizations, a total 38% say that they have been victimized by at least one of the following:

- a business collecting and using information (25%)
- a charitable, political or non-profit organization (13%)
- a law enforcement agency (12%)
- a government tax, social service, welfare or license agency (10%)

◆ Fifty-two percent of adults believe that anyone’s credit reports or criminal conviction record (49%) may be purchased via the Internet. Approximately four-in-ten adults believe that they can obtain anyone’s social security number (42%), credit card number (39%) or arrest record (38%). Thirty-six percent believe that bank balances are for sale on line.

ATTITUDES TOWARD THE CRIMINAL JUSTICE SYSTEM

◆ Thirteen percent of the adult public say that they “know a great deal” about the American Criminal Justice system—defined as the way police, prosecutors, courts and defense counsel work. Most adults (57%) report that “they know the basics.” The balance either “don’t know very much” (23%) or “don’t know anything at all” (6%).

◆ Overall, Americans give the criminal justice system fair grades in executing key functions.

- Majorities rate the system as “very or somewhat effective” in:
 - Investigating and arresting persons suspected of committing crimes (79%)
 - Prosecuting accused persons (73%)
 - Reaching a just outcome in criminal trials (68%)

- However, fewer than two out of ten rate the system as very effective in any of these areas and a substantial group of adults — approximately one-quarter of the population — sees the criminal justice system as not very effective. About half (53%) give the system a very or somewhat effective rating in all three areas, 24% gave that rating in two areas, while another 24% said the system is very or somewhat effective in either only one (10%) or none (14%) of these areas.

◆ The proportions are similar when it comes to perceptions about how well the system respects the civil liberties and constitutional rights of suspects. Seventy percent say the system does either very well (24%) or somewhat well (46%), while about one-quarter say it doesn’t do very well (19%) or not well at all (8%).

◆ Six out of ten adults report having had their fingerprints taken for some sort of identification purpose, such as military service or a job application or government license. Most (87%) felt that the fingerprinting was an appropriate requirement.

CRIMINAL HISTORY RECORDS

Conviction Records

◆ Americans view individuals’ criminal history records as confidential information and favor some restriction in access.

- 47% prefer what was labeled as a “partially open system” where only conviction records are freely available to everyone. Another 37% favor a restricted system, where access is limited only to selected users. Only 12% favor a completely open system — one with both arrest and conviction records freely available.
- Most adults (90%) say that they prefer that state agencies do not use the Internet to post criminal history information that is already a matter of public record.

◆ A substantial majority of the public supports access to conviction records by various organizations outside the criminal justice system where there is some public safety and/or crime prevention interest. Where private interests are at stake, support for access to conviction records drops to about the 40% level.

- Approximately 9 out of 10 adults would allow some access to conviction records by potential employers or to government occupational licensing agencies. However, a majority (11 out of 20) believes that right of access should be linked to whether the position involves sensitive work, such as handling money, dealing with children or serving as security guards.
- Large majorities favor at least some access to conviction records for private organizations that work with children, like the Boy Scouts (88%), for the military to evaluate potential recruits (82%) and for insurance companies investigating fraud (76%). Support drops for reporters wanting to find out about political candidates (44%), banks deciding on personal loan applications (41%), individuals wanting to learn if a neighbor has any criminal

record (38%), and companies that issue credit cards (38%).

EXECUTIVE SUMMARY (continued)

Arrest Records

♦ A large majority (66%) of Americans distinguish between access to conviction records and access to records of persons arrested but not convicted.

- Approximately one-half of adults would bar any access to arrest only records to any employer or governmental licensing agency. About 3 out of 10 adults would allow limited access based on the sensitivity of the position, while only 15% would grant all employers or government licensing agencies access to arrest only records.
- Turning to non-employment related entities, only when it comes to organizations that work with children does a majority (59%) favor any access to arrest records to organizations working with children. About half (49%) would allow the military to see arrest only records of potential recruits, and 45% would allow access to insurance companies investigating fraud. Fewer than one-quarter of adults favor access to arrest only records for reporters wanting to find out about political candidates (23%), banks deciding on personal loan applications (22%), individuals wanting to learn if a neighbor has any criminal record (23%), and companies that issue credit cards (21%).

FAIR INFORMATION PRACTICES

♦ The study reveals extremely strong support for the implementation of three “fair information practices” governing maintenance and use of criminal history records.

- Eighty-nine percent of adults consider it very important to have a right to review of their records, coupled with the right to have suspected errors investigated and, if indeed erroneous, corrected.
- Seventy-four percent see it as very important that there be an impartial procedure to receive, investigate

and resolve complaints concerning misuse of one’s criminal history records and/or the failure of the relevant agency to follow appropriate policies.

- Fifty-five percent believe it very important that each person be informed when a criminal history record is created, how it will be used within the criminal justice system, and the policies governing the record’s availability outside the system.

THE ROLE OF THE PRIVATE SECTOR

♦ Most adults (85%) feel that commercial companies maintaining and distributing criminal history records should follow the same rules and procedures regarding fair information practices as would bind government criminal history agencies. One out of ten (11%) feel that “such rules are not important for private businesses.”

- There is a high level of concern about the system of collection, maintenance and distribution of criminal history records by private companies. Asked which statement best reflects their own view:
 - Sixty-nine percent of the respondents choose “It worries me that this is being done by commercial organizations and I favor this being done only by the government.”
 - Twenty-two percent said their view is best reflected by the statement, “This commercial system provides relevant information from public record sources for many important business, social, and governmental purposes and is OK.”
 - Nine percent declined to choose between these two points of view.

JUVENILES, EX-OFFENDERS AND FINGERPRINTING

♦ Opinion is divided when it comes to the access and publication of juvenile court records. About one-half of adults (53%) favor keeping disclosure

restrictions, “because giving juvenile offenders the chance to overcome a bad record is a sound approach.” Four out of ten (40%) favor opening juvenile records to the same entities that have access to adult records, “since protecting society and the public should be the primary concern.”

♦ In the case of ex-offenders, the majority (52%) favors keeping criminal records available to employers and licensing agencies regardless of the length of time that has passed since the individual’s conviction or release. Forty-three percent believe access should not be granted if a person convicted of a crime serves his or her sentence and then does not violate the law for a period such as five years.

♦ Overall, American adults appear to consider fingerprinting for certain governmental purposes acceptable. However, once private sector entities require fingerprinting, attitudes become more ambiguous.

- Approximately three-quarters of adults find fingerprinting “very acceptable” when a person is arrested (78%) and when someone is applying for a sensitive job, such as teacher, nursing home worker or security guard (77%). Ninety-four percent and 93% respectively think these practices are either very or somewhat acceptable.
- Six out of ten think it a very acceptable practice to fingerprint welfare program recipients (62%) or to require a thumbprint on drivers’ licenses (60%), with 86% and 80% responding very or somewhat.
- On the other hand, fewer than one-half of adults find it very acceptable to require fingerprints to cash a check (45%), buy an airline ticket (45%) or apply for a job (37%).